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LLP*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re BANC OF CALIFORNIA
SECURITIES LITIGATION

CASE NO. 8:17-cv-00118-DMG (DFMx)

CLASS ACTION

This Document Relates To:
ALL ACTIONS.

**DECLARATION OF MANUEL A.
ABASCAL**

**REDACTED VERSION OF
DOCUMENT PROPOSED TO BE
FILED UNDER SEAL**

1 I, Manuel A. Abascal, hereby declare and state as follows:

2 1. I am a member of the State Bar of California. I am an attorney with the
3 law firm of Latham & Watkins LLP (“Latham”), counsel to Latham in this matter.
4 I have personal knowledge of all the matters referred to herein and, if called upon to
5 do so, could and would competently testify truthfully with respect thereto.

6 2. I make this declaration in response to the Court’s Order entered October
7 7, 2024 (the “October 7th Order”). Specifically, I offer this declaration as evidence
8 of Latham’s compliance with the October 7th Order, including Latham’s compliance
9 with Sections VI and IX of this Court’s Protective Order entered November 13, 2017
10 (the “Protective Order”).

11 3. In response to the Court’s October 7th Order, a team of Latham
12 personnel collected and conducted a good faith review of the relevant electronic and
13 paper documents in Latham’s possession in an effort to determine whether any
14 materials from Muddy Waters Capital LLC (“Muddy Waters”) designated under the
15 Protective Order were disclosed by Latham to persons not authorized to receive such
16 materials under the Protective Order. This review included searches for disclosure
17 of the February 22, 2019 Expert Report of Dr. Charles Lee, other expert reports of
18 Dr. Lee, and Muddy Waters’ January 30, 2019 document production.

19 4. Through the work described above, Latham attorneys identified, to the
20 best of their knowledge, the persons who may have received from Latham the
21 February 22, 2019 Expert Report of Dr. Lee or other designated material or
22 information from Muddy Waters in circumstances that may not have been authorized
23 under the Protective Order. Except with respect to the Court filing described below
24 in Paragraph 5, in an effort to comply with the Court’s October 7th Order and Section
25 VI of the Protective Order, Latham sent correspondence to those persons (i)
26 informing them of the Protective Order and attaching a copy of it, (ii) requesting that
27 they return the material, and (iii) asking that they execute the Agreement to Be
28

1 Bound to the extent they have not already done so. Latham also gave written notice
2 to Muddy Waters' counsel of the potentially unauthorized disclosures that Latham
3 identified after a good faith search of its records.

4 5. As for the Court filing referenced in the preceding paragraph, Latham
5 found that a [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] contained

9 redactions of information from Muddy Waters' document production but

10 inadvertently failed to redact certain information on [REDACTED]. Because

11 this was a public filing that resides on the Court's docket, Latham is unable to

12 identify who received this document and, therefore, could not implement the

13 procedures specified in Section VI of the Protective Order as to that document.

14 Latham has no objection to the Court sealing this document so that it is no longer

15 publicly available, although it notes that the information in question is also publicly

16 disclosed in the Court's October 7th Order.

17 6. Consistent with Section IX of the Protective Order and the Court's

18 October 7th Order, Latham destroyed the January 30, 2019 production of documents

19 from Muddy Waters as well as copies, abstracts, compilations, summaries or any

20 other format reproducing or capturing the production that it could locate after

21 reasonable and good faith searches (except to the extent such materials may exist in

22 (a) archival copies that counsel is allowed to retain under Section IX or (b) disaster

23 recovery or business continuity backups in queue for permanent deletion). Latham

24 provided written certification to counsel for Muddy Waters of the foregoing.

25 7. I certify that Latham has taken the above described steps that, to the

26 best of our knowledge, comply with Sections VI and IX of the Protective Order.

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1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed on December 6, 2024 at Los Angeles,
3 California.

4
5
6 /s/ Manuel A. Abascal
Manuel A. Abascal